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COMMISSIONER

TEIS MEMORANDUM #07-012

TO: TEIS District Administrators
Division of Special Education

FROM: Jamie Thomas Kilpatrick, Director
Office of Early Childhood Programs, Division of Special Education

RE: **Transition Notification**

DATE: December 18, 2007

The Tennessee Division of Special Education's Office of Early Childhood has conducted a review of Part C practices for transition relative to IDEA 34 CFR §303.209(b). With consultation from the Federal Office of Special Education Programs (OSEP) it has been determined that Tennessee has had an ongoing issue of noncompliance with Federal statute and Federal and State regulations related to the practice of obtaining parent consent prior to Local Education Agency (LEA) notification. Tennessee has been operating under State regulation SBE 0520-1-10-.02 (12)(b) without an OSEP approved policy permitting a parent to object to notification.

The Department of Education is the lead State agency for both Part C (early intervention) and Part B (preschool/school-aged) services in Tennessee. Procedures have now been put in place for the State Education Agency (SEA) to notify the LEA as soon as possible after determining eligibility for TEIS. Consistent with 34 CFR §303.400(d) the following limited directory information will be provided to the LEA: 1) child's name, 2) child's date of birth, and 3) parent contact information (including parent's names, addresses, and telephone numbers).

Effective February 1, 2008, service coordinators with Tennessee's Early Intervention System (TEIS) Point of Entry Offices (POEs) will no longer be responsible for the transmission of directory information to LEAs. Transmission of information is now the sole responsibility of the SEA. The transition screen of Tennessee's Early Intervention Data System (TEIDS) will be re-designed to reflect this change of procedure.

The avenue for LEA notification within the Department to transfer information will correct this ongoing issue of noncompliance for Part C. Should you have any questions regarding this memorandum please contact me at (615) 741-3537 or jamie.kilpatrick@state.tn.us.

Cc: Joseph E. Fisher, Assistant Commissioner, Division of Special Education